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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,080	06/15/2006	Kazunori Ozawa	Q95540	9189
23373 7590 02/02/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER CONWAY, THOMAS A				
ART UNIT		PAPER NUMBER		
4182				
MAIL DATE		DELIVERY MODE		
02/02/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/583,080

**Applicant(s)**

OZAWA, KAZUNORI

**Examiner**

THOMAS A. CONWAY

**Art Unit**

4182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 37-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 06/15/2006 and 09/26/2006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:

1. Application number (checked for accuracy, including series code and serial no.).
2. Group art unit number (copied from most recent Office communication).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.
6. Confirmation number (See MPEP § 503).

The information disclosure statements filed 6/15/2006 and 9/26/2006 fail to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the foreign documents provided were not in english. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows (see also MPEP 2106):

Nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture or composition of matter and should be rejected under 35 U.S.C. Sec. 101. Certain types of descriptive material, such as music, literature, art, photographs and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture or composition of matter. USPTO personnel should be prudent in applying the foregoing guidance. Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. Sec. 101. The presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping of musical notes read from memory and upon recognizing that particular sequence, causes another defined series of notes to be played, defines a functional interrelationship among that data and the computing processes performed when utilizing that data, and as such is statutory because it implements a statutory process.

1. **Claims 56 and 57** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows: both claims recite "a computer program for causing a computer", which is considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se. Non-functional descriptive is non-statutory regardless of whether it is claimed as residing on a computer readable medium.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 37-57** are rejected under 35 U.S.C. 102(b) as being anticipated by Fogg (US Patent No. 6,466,624 B1).

2. **Regarding claims 37, 54 and 56**, Fogg discloses a moving picture reproducing apparatus comprising: a decoder for receiving a bitstream, obtained on compressing/encoding a moving picture, and for restoring a picture image from said bitstream (Col. 3, lines 54-55); a characteristic parameter extraction unit for extracting a characteristic parameter from the picture image restored (Col. 7, lines 44-50); and a picture reconstruction unit for carrying out preset processing, using a temporally past characteristic parameter and/or a temporally future characteristic parameter, for restoring a picture image which has not been received (Col. 7, lines 52-61; See Also Fig. 2a) and a computer program for causing a computer to perform the said tasks (Col.

10, lines 43-54). While Fogg doesn't explicitly make mention that reconstruction is being done for the purpose of a reconstructing a skipped frame, it is well known in the art that this type of image decoding is useful both as a compression method and to improve error resilience. Forward and backward prediction is known to be used to reconstruct damaged or missing image blocks.

**Regarding claim 39**, Fogg discloses a moving picture reproducing apparatus, wherein said characteristic parameter extraction unit is provided in said picture reconstruction unit (See 606 in Fig. 10a), said picture reconstruction unit dividing the picture image into a plurality of blocks, each being of a preset small size (Col. 7, lines 55-56), extracting a characteristic parameter from the picture image restored, in at least one of said blocks (Col. 16, lines 1-5), deciding on whether or not preset processing is to be carried out, with the use of a temporally past characteristic parameter and/or a temporally future characteristic parameter, and subsequently restoring a picture image which has not been received (Fig. 2a, See "Pa(m)", "Pb(m)" and block 206).

**Regarding claim 41**, Fogg discloses a moving picture reproducing apparatus, wherein said picture reconstruction unit carries out interpolation, using at least one of a temporally past characteristic parameter and a temporally future characteristic parameter, along the time axis, to subsequently restore a picture image which has not been received (Fig. 2a, see combiner 207).

**Regarding claim 43**, Fogg discloses a moving picture reproducing apparatus, wherein said picture reconstruction unit includes said characteristic parameter extraction unit (Col. 7, lines 44-50), said picture reconstruction unit dividing the picture

image into a plurality of blocks, each being of a preset small size (Col. 15, lines 8-10, "block decoder"), extracting a characteristic parameter from the picture image restored, in at least one of said blocks (Fig. 10a "Reconstr. Frame Data", See also Col. 16, lines 1-6), deciding on whether or not interpolation along the time axis is to be carried out, with the use of at least one of a temporally past characteristic parameter and a temporally future characteristic parameter, and subsequently restoring a picture image which has not been received (Col. 8, lines 9-18: "g(k)" is result of interpolation/combining at block "207", which is dependent on the "MPC" which is dependent on both the current frame and the forward reference frame information (generated at "202" and "251", respectively)).

3. **Regarding claims 38, 55 and 57**, Fogg discloses a moving picture reproducing apparatus comprising: a decoder for receiving a bitstream, obtained on compressing/encoding a moving picture (Col. 3, lines 54-55), decoding at least one characteristic parameter from said bitstream, outputting the characteristic parameter decoded, and for restoring a picture image, using the characteristic parameter decoded (Col. 7, lines 19-27); and a picture reconstruction unit for carrying out preset processing, using a temporally past characteristic parameter and/or a temporally future characteristic parameter, for restoring a picture image which has not been received (Col. 7, lines 52-61; See also Fig. 2a) and a computer program for causing a computer to perform the said tasks (Col. 10, lines 43-54).

**Regarding claim 40**, Fogg discloses a moving picture reproducing apparatus, wherein said picture reconstruction unit divides the picture image into a plurality of blocks, each being of a preset small size (Col. 7, lines 55-56), decides on whether or not preset processing is to be carried out, in at least one small sized block, with the use of a temporally past characteristic parameter and/or a temporally future characteristic parameter, and subsequently restores a picture image which has not been received (Fig. 2a, See "Pam", "Pbm" and block 206).

**Regarding claim 42**, Fogg discloses a moving picture reproducing apparatus, wherein said picture reconstruction unit carries out interpolation, using at least one of a temporally past characteristic parameter and a temporally future characteristic parameter, along the time axis, to subsequently restore a picture image which has not been received (Fig. 2a, "207").

**Regarding claim 44**, Fogg discloses a moving picture reproducing apparatus, wherein said picture reconstruction unit divides the picture image into a plurality of blocks, each being of a preset small size (Col. 7, lines 55-56), decides, in at least one of said small sized blocks, on whether or not interpolation is to be carried out, with the use of at least one of a temporally past characteristic parameter and a temporally future characteristic parameter, and subsequently restores a picture image which has not been received (Col. 8, lines 9-18 – see explanation regarding claim 43 above).



4. **Regarding claims 45 and 46**, Fogg discloses a moving picture reproducing apparatus comprising: a decoder, said decoder including: a decoding unit for receiving a bitstream, obtained on compressing/encoding a moving picture, decoding the bitstream received (Col. 3, lines 54-55), and for outputting quantized transform coefficients (Col. 7, lines 34-55); a inverse quantizer for carrying out calculations for inverse quantization on the quantized transform coefficients output from said decoding unit (Col. 7, lines 36-38); an inverse transformer for carrying out inverse transform, which is inverse to the transform carried out on an encoder side, on transform coefficients obtained on inverse quantization by said inverse quantizer (Col. 7, lines 36-38); an adder receiving said moving picture signal, obtained on inverse transform by said inverse transformer, at an input end thereof (Fig. 2a, "T(m)", via the block decoder); and a motion compensation predictor for carrying out motion compensation/prediction on the moving picture signal, output from said adder, with the use of a characteristic parameter, output from said decoding unit, and for supplying the resulting moving picture signal to another input end of said adder (Col. 7, lines 44-57); said decoder outputting, as a decoder output signal, a moving picture signal obtained on summing, by said adder (Fig. 2a, "r(m)", a moving picture signal output from said inverse transformer (Fig. 2c, "f(m)", and a moving picture signal output from said motion compensation predictor (Fig. 2a, "P(m)"); a frame memory for storing a moving picture signal output from said decoder (Col. 7, lines 56-58); a characteristic parameter extraction unit for extracting a characteristic parameter from the moving picture signal output from said decoder (Col. 7, lines 52-59); and a moving picture reconstruction unit for receiving said characteristic parameter, receiving

a temporally past picture and/or a temporally future picture from said frame memory, and for reproducing a moving picture frame, with the use of said characteristic parameter to output the moving picture frame reproduced (Fig. 2a).

**Regarding claims 47 and 48,** Fogg discloses a moving picture reproducing apparatus, further comprising a division into small size block unit for receiving an output from said decoder (Fig. 9, "block decoder"), dividing a picture image restored into preset small sized blocks, and for outputting demarcations of said small sized blocks (Col. 15, lines 27-37); wherein said characteristic parameter extraction unit extracts a characteristic parameter in at least one of said small sized blocks (Col. 15, lines 38-49), outputs the characteristic parameter extracted (Col. 15, lines 48-49), decides, in at least one of said small sized blocks, on whether or not the processing for restoring a moving picture is to be carried out with use of said characteristic parameter, and outputs a decision signal (Col. 18, lines 56-59); and wherein said moving picture reconstruction unit receives the characteristic parameter, results of decision and the information on the small sized blocks, from said characteristic parameter extraction unit, receives a temporally past picture and/or a temporally future picture, from said frame memory, reproduces a moving picture frame, with the use of said characteristic parameter, and outputs the reproduced moving picture frame (Fig. 6, Blocks 604-609).

**Regarding claims 49 and 50,** Fogg discloses a moving picture reproducing apparatus, further comprising an interpolator for receiving an output of said characteristic parameter extracting unit for carrying out interpolation along the time axis using at least one of a temporally past characteristic parameter and a temporally future

characteristic parameter (Col. 8, lines 9-18); wherein said moving picture reconstruction unit receives a characteristic parameter from said interpolator, receives a temporally past picture and/or a temporally future picture from said frame memory, reproduces a moving picture frame, with the use of said interpolated characteristic parameter, and outputs a reproduced moving picture frame (Col. 19, lines 50-59; See also Fig. 6, blocks 604-609).

**Regarding claims 51 and 52,** Fogg discloses a moving picture reproducing apparatus according to claim 45, further comprising a division into small size block unit for receiving an output of said decoder (Fig. 9, "block decoder"), dividing a restored picture frame into a plurality of blocks, each being of preset small size, and for outputting demarcations of the small sized blocks (Col. 15, lines 27-37); said characteristic parameter extraction unit receiving the information on the division into said small sized blocks from said division into small size block unit, extracting and outputting a characteristic parameter in at least one of said small sized blocks (Col. 15, lines 38-49), deciding on whether or not the processing for restoration of a moving picture is to be carried out, in at least one of said small sized blocks, with the use of said characteristic parameter, and outputting a decision signal (Col. 18, lines 56-59); said apparatus further comprising an interpolator for receiving the characteristic parameter from said characteristic parameter extraction/decision unit and for carrying out interpolation along the time axis, using at least one of a temporally past characteristic parameter and a future characteristic parameter (Fig. 2a, "207"); wherein said moving picture reconstruction unit receives the characteristic parameter, obtained on interpolation by

said interpolator, result of said decision and the information on the small-sized blocks, receives a temporally past picture and/or a temporally future picture from said frame memory, reproduces a moving picture frame, with the use of said characteristic parameter and outputs the moving picture frame reproduced (Col. 19, lines 50-59; See also Fig. 6, blocks 604-609).

**Regarding claim 53**, Fogg discloses a moving picture reproducing apparatus, wherein said characteristic parameter is a motion vector (Col. 7, lines 25-27); and wherein said moving picture reconstruction unit performs, as interframe prediction, the motion compensation/interframe prediction, employing the motion vector, for reproducing a moving picture frame (Col. 7, lines 44-46).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cote et al. (H.263+: Video Coding at Low Bit Rates, IEEE Transactions on Circuits and Systems for Video Technology, Vol. 8, No. 7, November 1998, pp. 849-866) discloses several elements of the claims of the instant application, including: structure of decoder as well as flow of operations and background information detailing known methods in the art relating to frame/block inter-prediction. Evci (A Videophone Codec for ISDN Application, "Acoustics, Speech, and Signal Processing" Conference, 1989. ICASSP-89, May 1989, pp. 1938-1939 vol.3) teaches reconstructing missing frames using interpolation and motion vectors. Boon et al. (US Patent No. 6,859,559 B2) discloses many of the elements of the instant claim both individually and in association with separate preferred embodiments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS A. CONWAY whose telephone number is (571)270-5851. The examiner can normally be reached on Monday through Friday 8AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on 571-272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas A. Conway/  
Examiner, Art Unit 4182

/TEMESGHEN GHEBRETINSAE/  
Primary Examiner, Art Unit 2611

1/29/09 B

